

### REMARKS

Claims 1-17 are pending in the present application. Claims 1, 3, 4, 7, 8, 10, 11 and 14 have been amended, and Claims 15-20 have been added, herewith. Consideration and reconsideration of the pending claims is respectfully requested.

#### **I. 35 U.S.C. § 102, Anticipation**

The Examiner rejected Claims 1-3, 6-10 and 12-14 under 35 U.S.C. § 102(c) as being anticipated by Kirchner et al (US Patent Number 6,263,370). This rejection is respectfully traversed.

The present invention is directed to a technique for exchanging at least one queue identification number between a first port and a second port of a TCP connection, for use in transmitting data between such ports. The exchanged queue identification number is inserted in outbound data packets, which advantageously allows for receipt of such data packets with self-specifying queue identification for where the packet should be received (Specification page 10, lines 23-30). As will be shown below in detail, the cited reference *does not teach such exchange or use of a queue identification number between or by ports of a TCP connection*. Because the teachings of the cited reference are lacking in this regard, Claim 1 has been erroneously rejected under 35 U.S.C. 102 since for a prior art reference to anticipate in terms of 35 U.S.C. 102, *every element* of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) (emphasis added).

Claim 1 explicitly recites during establishment of a TCP connection, *exchanging at least one queue identification number between a first port and a second port of the TCP connection*; and *inserting at least one queue identification number in outbound data packets*, wherein the first port of the TCP connection sends a data packet to the second port of the TCP connection and the second port of the TCP connection sends a data packet to the first port of the TCP connection. As can be seen, a queue identification number(s) is involved in two different aspects of Claim 1. First, at least one queue identification number is *exchanged between two ports of a TCP connection*. Second, at least one queue identification number is inserted in outbound data packets. In rejecting

Claim 1, the Examiner states that the cited Kirchner reference teaches the claimed exchanging step at Figure 9 and col. 5, lines 51 – col. 6, lines 1-41. Applicants urge that Kirchner expressly states that the destination queue field 904 depicted in Figure 9 is not used by the client who sends the message (col. 11, lines 43-45). Rather, it is a field that is filled in by internal processes running within the server for internal use by such server (col. 11, lines 45-49). Thus, there is no teaching of exchanging queue identification between a first port and a second port of a TCP connection, as expressly recited in Claim 1. To the extent that Kirchner's client includes any type of TCP/IP socket specification in a message sent to the server, there is no teaching that such socket identifier is *exchanged*. Rather, the client merely specifies the socket in the message (col. 5, line 65 – col. 6, line 1). These sockets are addressed by the client, without any co-action with, determination by, or exchange with the server as to what socket to use (col. 6, lines 28-31). Instead, a client application calls the NIDS API 802 (Figure 8) to make the request for a connection (col. 10, lines 31-34). The NIDS API calls a well-known TCP/IP function 803 to establish a connection with the logical port on the NIDS server (col. 10, lines 34-36). Importantly, there is no exchange of any type of queue identification between ports.

While Kirchner also describes obtaining a service message queue ID from an internal NIDS process (col. 10, lines 51-54), this queue ID is locally maintained within a local server NIDS data table (col. 10, lines 54-56), for subsequent internal use within the server (col. 10, lines 64-67; col. 11, lines 45-49). This can also be seen by the fact that subsequent requests for service from the client to the server do not use this server obtained message queue ID, but instead use the original TCP/IP logical port (col. 10, lines 60-64) which was obtained using the well-known TCP/IP function 803 (col. 10, lines 34-36). Importantly, Kirchner is specifically directed to a technique which isolates the client from the intricacies of the NIDS details, including service message queue IDs (col. 1, lines 44-45), and thus there would have been no motivation to modify the teachings of Kirchner in accordance with the invention recited in Claim 1.

Thus, at least for the reasons given above, Claim 1 is not anticipated by the cited reference as every element of the claimed invention is not identically shown in a single reference. In addition, as there would have been no motivation to modify Kirchner in

accordance with the claimed invention, it is further shown that Claim 1 is not obvious in view of Kirchner.

Applicants traverse the rejection of Claims 2, 3, 6 and 7 for reasons given above with respect to Claim 1 (of which Claims 2, 3, 6 and 7 depend upon).

Applicants traverse the rejection of Claims 8-10 and 12-14 for similar reasons to those given above with respect to Claim 1.

Therefore, the rejection of Claims 1-3, 6-10 and 12-14 under 35 U.S.C. § 102 has been overcome.

## **II. 35 U.S.C. § 103, Obviousness**

The Examiner rejected Claims 4 and 11 under 35 U.S.C. § 103 as being unpatentable over Kirchner et al (US Patent Number 6,263,370). This rejection is respectfully traversed for similar reasons to those given above with respect to Claim 1. Therefore, the rejection of Claims 4 and 11 under 35 U.S.C. § 103 has been overcome.

## **III. Claim 5**

No statutory basis was given for the rejection of Claim 5. Further clarification is requested as to the status of such claim.

## **IV. Newly Added Claims**


Claims 15-20 have been added herewith. Examination of such claims is respectfully requested.

**V. Conclusion**

It is respectfully urged that the subject application is patentable over the cited reference and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 4/5/05

Respectfully submitted,



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